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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/648,622

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Jon Claude Russell Bennett

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Motorola, Inc.

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EXAMINER

HAN, CLEMENCE S

ART UNIT

PAPER NUMBER

2616

NOTIFICATION DATE

DELIVERY MODE

05/06/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/648,622	<b>Applicant(s)</b> BENNETT, JON CLAUDE RUSSELL	
	<b>Examiner</b> CLEMENCE HAN	<b>Art Unit</b> 2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34,35,37 and 41 is/are allowed.
- 6) ☒ Claim(s) 1-6,10,11,13,14,18-29,31,32 and 38-40 is/are rejected.
- 7) ☒ Claim(s) 7-9,12,15-17,30,33 and 36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 9 is objected to because of the following informalities: “port” in line 2 should be replaced with “port address”. Appropriate correction is required.
2. Claim 10 is objected to because of the following informalities: “an IPMP redirected echo reply packet” in line 6 should be replaced with “said IPMP redirected echo reply packet”, see line 1. Appropriate correction is required.
3. Claim 15 is objected to because of the following informalities: “port” in line 3 and 4 should be replaced with “port address”, respectively. Appropriate correction is required.
4. Claim 36 is objected to because of the following informalities: “the second network device” in line 2 should be replaced with “the second remote network device”, see claim 34 line 2. Appropriate correction is required.
5. Claim 39 is objected to because of the following informalities: “an IPMP redirected echo reply packet” in line 10 should be replaced with “said IPMP redirected echo reply packet”, see line 1. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 21-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 21-23 recites the limitation "said additional details" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

10. Claim 1-6, 10, 11, 13, 14, 18-29, 31, 32 and 38-40 are rejected under 35 U.S.C. 102(a) as being anticipate by McGregor (IPMP draft-mcgregor-ipmp-00.txt).

Regarding claim 1 and 38, McGregor teaches a method for performing a remote test of a link between a first remote network device and a second remote network device by a measurement host comprising: transmitting from the measurement host to the first remote network device an Internet Protocol Measurement Protocol (IPMP) packet requesting a measurement test of the link between the first remote network device and the second remote network device (3.1 in page 10); receiving by the first remote network device said IPMP measurement test request packet (3.1 in page 10); and performing a measurement test of the link between the first remote network device and the second remote network device (3.1 in page 10).

Regarding claim 2, McGregor teaches said performing the measurement test includes sending an IPMP echo request packet to the second remote network device by the first remote network device (3.2 in page 10).

Regarding claim 3, McGregor teaches sending a result of the measurement test to the measurement host from the first remote network device (3.1 in page 10).

Regarding claim 4, McGregor teaches said performing the measurement test includes examining the IPMP measurement test request packet for information including specific details of the measurement test being requested and returning, if said one or more data elements are missing, said IPMP measurement test request packet to the measurement host with an error indicating missing required data elements (3.1 in page 10).

Regarding claim 5, McGregor teaches authenticating the IPMP measurement test request packet and returning, if the authentication fails, the IPMP measurement test request packet to the measurement host with an error indicating authentication failed (3.1 in page 10).

Regarding claim 6, McGregor teaches constructing an IPMP echo request packet for the second remote network device (3.1 in page 10).

Regarding claim 10 and 39, McGregor teaches a method for processing an IPMP redirected echo reply packet received by a first remote network device resulting from an IPMP redirected echo request packet sent by the first remote network device to a second remote network device in response to an IPMP measurement test request packet

previously received by the first remote network device and sent from a measurement host, said method comprising: receiving an IPMP redirected echo reply packet (3.1 in page 10); and forwarding information included in the IPMP redirected echo reply packet to the measurement host (3.1 in page 10).

Regarding claim 11, McGregor teaches authenticating the IPMP redirected echo reply packet (3.1 in page 10).

Regarding claim 13, McGregor teaches checking the IPMP redirected echo reply packet for information indicative of an original sender, and if the original sender information is missing, returning the IPMP redirected echo reply packet to the second remote network device with an error indicating missing required data elements (3.1 in page 10).

Regarding claim 14, McGregor teaches creating an IPMP echo redirect reply packet (3.1 in page 10).

Regarding claim 18 and 40, McGregor teaches a method for processing an IPMP echo request packet comprising: receiving an IPMP echo request packet by a receiving device, said IPMP echo request packet including instructions for a recipient of the IPMP echo request packet (3.1 in page 10); creating an IPMP echo reply packet (3.2 in page 10); and including related information in the IPMP echo reply packet based on the instructions in the IPMP echo request packet (3.2 in page 10).

Regarding claim 19, McGregor teaches the instructions include an instruction to insert a time stamp in the IPMP echo reply packet and the related information includes the time stamp (4.3 in page 14).

Regarding claim 20, McGregor teaches said instructions include instructions to insert additional data indicating further details about the time stamp (4.3 in page 14).

Regarding claim 21, McGregor teaches said additional details include when the time stamp was made relative to arrival of the IPMP echo request packet (4.3 in page 14).

Regarding claim 22, McGregor teaches said additional details include an accuracy of a clock from which the time stamp originated (4.3.2 in page 15).

Regarding claim 23, McGregor teaches said additional details include a network address via which one can obtain further details about the time stamp (4.3.2 in page 15).

Regarding claim 24, McGregor teaches said instructions include instructions to insert a path record (2.1.1 in page 3).

Regarding claim 25, McGregor teaches said instructions include instructions not to insert a path record (2.1.1 in page 3).

Regarding claim 26, McGregor teaches said instructions include instructions to not insert a time stamp by the network device (4.3.2 in page 15).

Regarding claim 27, McGregor teaches said step of creating the IPMP echo reply packet further comprises: exchanging an IP source address and an IP destination address (3.2 in page 10).

Regarding claim 28, McGregor teaches said step of creating the IPMP echo reply packet further comprises inserting a path record (2.1.1 in page 3).

Regarding claim 29, McGregor teaches said step of creating the IPMP echo reply packet further comprises either initiating a recording of a path or turning off recording of the path based on an instruction to toggle path recording included in said instructions in the IPMP echo request packet (2.1.1 in page 3).

Regarding claim 31, McGregor teaches said step of creating the IPMP echo reply packet further comprises incrementing a packet type field (3.2 in page 10).

Regarding claim 32, McGregor teaches said step of creating the IPMP echo reply packet further comprises setting a time-to-live value based on a reverse path time-to-live option (3.1 in page 10).

***Allowable Subject Matter***

11. Claim 34-37 and 41 are allowed.

12. The following is a statement of reasons for the indication of allowable subject matter: The prior arts in the record fail to teach or make obvious to a method comprising receiving an Internet Protocol Measurement Protocol (IPMP) packet, which includes an address of the measurement host device as a source address, an address of the first remote network device as a destination address, a flag indicating the IPMP packet is a redirection request packet, and a predetermined field with an address of the second remote network device as a redirection address to which the IPMP packet is to be redirected within a



structure of the claim. These features are claimed in the independent claims 34 and 41 and render them allowable.

13. Claim 7-9, 12, 15-17, 30 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CLEMENCE HAN whose telephone number is (571)272-3158. The examiner can normally be reached on Monday-Friday 9 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571) 272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/648,622  
Art Unit: 2616

Page 9

/FIRMIN BACKER/  
Supervisory Patent Examiner, Art Unit 2616

/C. H./  
Examiner, Art Unit 2616